

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1, 2 and 4-15 are now present in the application. No claims have been amended in this Reply. Claims 1, 6 and 11 are independent. Reconsideration of this application is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 4-11, 14 and 15 stand rejected 35 U.S.C. § 103(a) as being unpatentable over Hiyama, U.S. Patent No. 7,084,850, in view of Allen, U.S. Patent No. 5,430,480. Claims 12 and 13 stand rejected 35 U.S.C. § 103(a) as being unpatentable over Hiyama in view of Allen, and further in view of Kawahara, U.S. Patent Application Publication No. 2001/0028347. These rejections are respectfully traversed.

Independent claim 1 recites a combination of elements including "an image generation means for generating a still image and its duplication but with adjustable motion vectors, and then for providing an interested display to show the above-mentioned two images at the same time, wherein the still image can present the gray level capability of the display while showing still images; and an examination means for determine the effective number of gray levels of the display while showing motion images from the above-mentioned motion image; wherein the motion image is the duplication of the still image but with adjustable moving speed and direction."

Independent claim 6 recites a combination of elements including "a visual simulator for simulating visual detection and recognition; and an image generation means for generating a still

image and its duplication but with adjustable motion vectors, and then for providing an interested display to show the above-mentioned two images at the same time, wherein the still image can present the gray level capability of the display while showing still images; and an examination means for determine the gray level capability of the display while showing motion images from the above-mentioned motion image which is a duplication of the still image.”

Independent claim 11 recites a combination of steps including “generating a still image and its duplication but with adjustable moving speed and direction, the duplication is referred as a motion image hereinafter, by an image generating means first, and then showing the images on the screen; adjusting the moving speed and direction of the moving image; and determining the discrimination of adjacent gray levels of the moving image.”

Applicant respectfully submits that the above combinations of elements and steps as set forth in independent claims 1, 6 and 11 are not disclosed nor suggested by the references relied on by the Examiner.

The present invention generates a still image pattern and a motion image pattern which is the duplication of the still image but has a motion vector, and then shows these two images on the interested display at the same time to provide real human eyes or the human eye simulator for detecting the effective number of gray levels of the interested display. As recited in claim 1, the motion image is the duplication of the said still image but with adjustable moving speed and direction, wherein *the still image can present the gray level capability of the display while showing still images.*

The Examiner alleged that Hiyama in col. 7, lines 57-61 discloses “the still image can present the gray level capability of the display while showing still images” as recited in claim 1.

Applicant respectfully disagrees. In particular, Hiyama in col. 7, lines 57-61 simply discloses "it is required to transmit the image information employing the image compression method as shown in FIG. 2, to provide [a] transmission rate for the moving picture and the still picture. The transmission of compressed data will be described below by reference to FIGs. 4A and 4B." However, the gray scale level of the pixels shown in FIGs. 4A and 4B are simply used to illustrate how the compressed data is transmitted (see col. 7, lines 61-67 and col. 8, lines 1-23). Hiyama nowhere discloses that "the still image can *present the gray level capability of the display while showing still images*" as recited in claim 1.

In addition, the Examiner has correctly acknowledged that Hiyama fails to teach that the motion image is the duplication of the still image but with adjustable moving speed and direction as recited in claim 1. However, the Examiner turned to rely on Allen and alleged that Allen in col. 1, lines 39-50 cures the deficiencies of Hiyama. However, the "duplication" in Allen is technically different from that in the present invention and the claimed features of the present invention are not disclosed in Allen.

In particular, the present invention focuses on *the still image presenting the gray level capability of the display while showing still images*. The motion image and the still image must be generated simultaneously so that the gray level capability can be determined via human eyes or a device simulating human eyes. Unlike the present invention, the moving image of Allen must be detected using a sensor to calculate variations of the moving image, which is not required by the claimed invention.

In addition, the present invention focuses on *the gray level capability of the display for the motion image*. The present invention implements image processing of measurement of the

gray level based on the relationship between the still and motion images via human eyes, which is different from that via the sensor of Allen. Therefore, Allen also fails to teach "the still image can *present the gray level capability of the display while showing still images*" as recited in claim 1.

With regard to the Examiner's reliance on Kawahara, this reference has only been relied on for its teachings related to some dependent claims. This reference also fails to disclose the above combinations of elements as set forth in independent claim 1. Accordingly, this reference fails to cure the deficiencies of Hiyama and Allen.

In addition, the above-noted arguments are also applicable to independent claims 6 and 11.

Accordingly, none of the references utilized by the Examiner individually or in combination teach or suggest the limitations of independent claims 1, 6 and 11 or their dependent claims. Therefore, Applicant respectfully submits that claims 1, 6 and 11 and their dependent claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

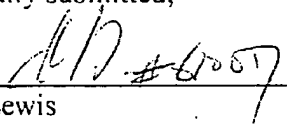
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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